

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

RE: THE DRAWINGS

On page 2 of the Office Action, the Examiner asserts that Fig. 1 should be labeled as "Prior Art". In particular, the Examiner asserts that in view of the disclosure at pages 9-12 of the specification, Fig. 1 only illustrates "that which is old".

It is respectfully submitted, however, that as described at page 7, lines 11-14 of the specification, "Fig. 1 is a diagram showing a schematic structure of an inverted microscope applied to biological and medical use according to a first embodiment of the present invention."

Accordingly, it is respectfully submitted that Fig. 1 does not illustrate "that which is old", and it is respectfully submitted that Fig. 1 need not be labeled as "Prior Art".

It is therefore respectfully requested that the objection to the drawings be withdrawn.

RE: THE SPECIFICATION

The specification has been amended to correct various minor informalities of which the undersigned has become aware, including all of the informalities pointed out by the Examiner.

No new matter has been added, and it is respectfully requested that the amendments to the specification be approved and entered, and that the objection to the specification be withdrawn.

RE: THE CLAIMS

Claim 1 has been amended to recite the feature of the present invention whereby the microscope main body comprises at least two insertion portions into which at least two additional units are insertable, as supported by the disclosure in the specification at page 12, lines 3-8.

In addition, claim 7 has been amended to depend from claim 1 and to recite the feature recited in claim 4 whereby the microscope main body comprises an optical element which reflects light from the objective lens in one of an obliquely upward and a substantially horizontal direction.

Still further, claim 13 has been amended to depend from claim 7 and to recite the feature formerly recited in claim 7 whereby the optical element comprises one of a selectively attachable first optical element and second optical element.

Claims 1-4, 7, 10 and 13, moreover, have all also been amended to make some minor grammatical improvements and/or to correct some minor antecedent basis problems so as to put the claims in better form for issuance in a U.S. patent.

No new matter has been added, and it is respectfully submitted that the amended claims are in full compliance with the requirements of 35 USC 112, second paragraph.

Accordingly, it is respectfully requested that the amendments to the claims be approved and entered, and that the rejection under 35 USC 112, second paragraph, be withdrawn.

RE: THE DOUBLE PATENTING OBJECTIONS

In light of the cancellation of claims 5-6, 8-9, 11-12 and 14-15 and the above described amendments to claims 1-4, 7 and 10, it is respectfully submitted that the double patenting objections have been overcome.

RE: THE PRIOR ART REJECTION

Claims 1-6 were rejected under 35 USC 103 as being obvious in view of the combination of USP 6,160,662 ("Uchida et al") and USP 5,235,459 ("Meyer et al"). This rejection, however, is respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in amended independent claim 1, an inverted microscope system is provided which comprises, in particular, a microscope main body which comprises at least two insertion portions into which at least two additional units are insertable. And it is respectfully

submitted that none of the cited references disclose, teach or suggest this feature of the claimed invention.

Accordingly, it is respectfully submitted that amended independent claim 1 and claims 2-4, 7, 10 and 13 depending therefrom all patentably distinguish over Uchida et al and Meyer et al, taken singly or in any combination under 35 USC 103.

RE: IDS FILED OCTOBER 21, 2002

Submitted herewith is a copy of US 2002/0154397 which is the 18 month publication of related application Serial No. 10/091,914 identified in the Information Disclosure Statement filed October 21, 2002. Also submitted herewith is a Form PTO/SB/08A identifying US 2002/0154397.

It is respectfully requested that the Examiner consider US 2002/0154397 and return and initialed copy of the Form PTO/SB/08A submitted herewith to confirm that said publication has been considered and made of record.

In this connection, moreover, it is respectfully submitted that no charge is required for consideration of this publication (which was published on October 24, 2002) at this stage of prosecution since related application Serial No. 10/091,914 was already identified in the Information Disclosure Statement filed October 21, 2002 and has already been considered by the Examiner.

In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
767 Third Avenue - 25th Floor
New York, New York 10017-2023
Tel. No. (212) 319-4900
Fax No. (212) 319-5101
DH:iv